

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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**In re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation**

**Master File No. 1:00-1898  
MDL No. 1358 (SAS)  
(M21-88)**

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**This Document Relates To:  
Town of Rayville v. Ashland, Inc., et al.  
04 Civ. 3413**

**NOTICE AND ORDER OF RULE  
41(a)(2) DISMISSAL OF  
DEFENDANT PETRON, INC.**

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Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Town of Rayville hereby moves to dismiss without prejudice Petron, Inc. from the above referenced cause of action, with each party to bear its own costs. Plaintiffs reserve all other rights as against all other defendants.

Pursuant to the Court's directive at the October 30, 2008 Status Conference, any party opposing Plaintiff's dismissal of Petron, Inc. shall have 14 days to file its objection. Plaintiff respectfully moves this Court for an Order dismissing Petron, Inc. without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), with each party to bear its own costs.

DATED: April 22<sup>nd</sup>, 2009

*Petron, Inc. is hereby dismissed in the above-captioned case. So Ordered.*  
*[Signature]*  
*5/5/09*

*[Signature: Stephen Johnston]*  
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*Attorneys for Plaintiffs*

**SO ORDERED:**

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THE HONORABLE JUDGE SCHEINDLIN  
United States District Judge

Dated: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of April 2009, I filed the foregoing

**NOTICE AND ORDER OF RULE 41(a)(2)  
DISMISSAL OF DEFENDANT PETRON, INC.**

electronically through the CM/ECF system of this Court, which causes the parties or counsel to be served by electronic means. In addition, the above document(s) was served via e-mail upon liaison counsel and via LexisNexis File & Service to all other counsel of record on the 22<sup>nd</sup> day of April, 2009. A copy was provided to the Clerk, Seth Ard, via email, and the original and one copy were served via Federal Express to the Clerk of the Court.

  
SHELLY SHETLER